

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-24 remain in the application. Claim 1 has been amended.

In the section entitled "Claim Rejections - 35 USC § 102" on pages 2-3 of the above-mentioned Office action, claims 1-2, 4-11, 15-17, and 19-24 have been rejected as being anticipated by Augustine et al. (US 6,497,720) under 35 U.S.C. § 102(e).

In the section entitled "Claim Rejections - 35 USC § 103" on page 4 of the above-mentioned Office action, claim 3 has been rejected as being unpatentable over Augustine et al. under 35 U.S.C. § 103(a).

The rejections have been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in line 20 on page 15 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

an applicator for flexibly applying to an entire body or body parts, said applicator being made of flexible material and having at least two layers defining a space therebetween with at least two closed chambers or channels laterally adjacent one another, each chamber or channel being independently and individually fillable with fluidic media for independently and individually releasing the chemical/physical parameters.

First of all, the invention according to claim 1 of the instant application relates to a device to be applied to bodies or body parts and to release chemical/physical parameters thereon. On pages 1 to 4 of the specification, in particular on page 3, lines 8-21, where the background and the state of the art are described, it is pointed out that the invention of the instant application is based on the improvement of therapeutic applications, such as packs, baths, etc., in which bath, e.g. a hay or mud bath, naturally the entire surface of the skin of a patients' body is covered by the hay or mud. Such applications according to the prior art are too difficult to apply and too cumbersome in handling as well as too ineffective and inflexible because they allow merely one single treatment. The object of the invention of the instant application is therefore to provide, for example, a pack applicator, which enables a one-time placement without any additional application aids (see the second paragraph on page 4 of the specification).

As now made even more clear in amended claim 1, the invention of the instant application is directed to a device to be applied onto bodies or body parts, including an applicator made of flexible material for releasing chemical/physical parameters. As outlined in the last paragraph on page 15 of the specification, "flexible" within the invention of the instant application is to be understood to guarantee an optimal fitting of the applicator to the parts of the body or the entire body, onto which the applicator is applied/laid. This makes it clear that the applicator of the device of the invention of the instant application is bendable in such a way that, depending on the size, the applicator may be simply swathed or wrapped around an arm or a leg of a patient or, if desired, even the entire body may be put "into" the applicator. Also, in the description of the embodiments, in particular on page 23, line 8, it is stated that after "placement of the inventive applicator 1 on a body or body parts." This makes additionally clear that the invention of the instant application does confer to a kind of cover or blanket.

In contrast, Augustine et al. relate to a support apparatus, which is provided to carry a human or animal body or parts thereof. This is emphasized throughout the entire specification: see column 1, lines 15-31 and 40-53; column 2,

lines 21-23; column 3, lines 40-44 (bed mattress, chair or wheelchair cushion having a surface to support at least a portion of a human or animal body) and line 49 (support apparatus for "supine or sitting patients"); column 4, lines 10-11 (device supporting the weigh-bearing areas, which areas exert the greatest pressure against the surface of the mattress or cushion) and line 21; column 4, line 66 to column 5, line 14 ("a supine person 12 resting on, which is to say supported by, a surface 14." . . .); as well as all the figures. Therefore, the subject-matter described by Augustine et al. is restricted to an ordinary mattress or a cushion. This, apart from the above given citations, can in particular be seen from the embodiments described, in particular according to Figs. 2 to 4 and Figs. 6 and 7, in which a water mattress is illustrated (column 5, line 32 and 60-61). According to column 6, lines 33-34, the mattress shown in Fig. 3 may also be a cushion. However, also a cushion is a support "apparatus" which bears a part of a body, not even restricted to support the head. Of course, it is an inherent characteristic of a mattress that its upper surface/layer is of a compressible material, as also outlined in column 6, lines 33-36. However, a mattress made of compressible material is not a flexible applicator bendable so to be swathed around a body or body parts of a patient. The treatment applied by such an applicator, as claimed in the

invention of the instant application, can reach, as it already discussed above, the entire body or the body parts. This is not only a small area of the body surface, such as weight-bearing areas, e.g. the bottom of a human person. The applicator according to the invention of the instant application makes it possible to reach simultaneously the front, the back, and the side of the body or the body parts, which are covered by the applicator.

Further, the treatment provided according to the invention of the instant application does not merely relate to the cooling, in particular the cooling of a restricted area of the surface of the body, namely the weight-bearing portions of the body parts contacting the mattress which have inadequate blood flow (ischemia) due to a long-lasting, one-sided bearing of body weight, as described by Augustine et al. In contrast, the applicator of the invention of the instant application provides the application of pressure, fluids, steam, if desired, mixed with medical substances, etc. Moreover, particular parts of the surface of the skin can be treated by different media. Thus, for instance, merely smooth steam can be applied to the front of a leg whereas the back and/or the sides of a leg, of course also covered by the inventive applicator, can be treated with pressure. To give another example, the breast of a body can be treated with e.g.

mint-extracts supported by a gaseous media. At the same time, the applicator can release merely heat to the stomach and/or the back. A whole variety of individual possibilities are conceivable. Such an overall treatment is not possible by Augustine et al., which also do not provide any hint towards such a flexible applicator.

Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

As discussed above, claim 1 is believed to be patentable over Augustine et al. Since all the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

Applicants acknowledge the Examiner's statement in the section entitled "Allowable Subject Matter" on page 4 of the above-mentioned Office action that claims 12-14 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since claim 1 is believed to be patentable as discussed above and claims 12-14 and 18 are ultimately dependent on claim 1,

they are believed to be patentable in dependent form. A
rewrite is therefore believed to be unnecessary at this time.

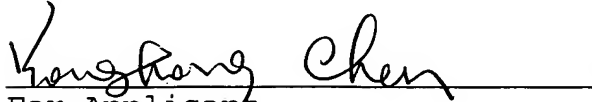
In view of the foregoing, reconsideration and allowance of
claims 1-24 are solicited.

In the event the Examiner should still find any of the claims
to be unpatentable, counsel would appreciate a telephone call
so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee
for response within a period of one month pursuant to Section
1.136(a) in the amount of \$60 in accordance with Section 1.17
is enclosed herewith.

Please charge any other fees which might be due with respect
to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of
Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



For Applicant

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